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6 CALifornians for Renewable Energy and Stephan C. Volker

7  
8 **UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11  
12 CALifornians for Renewable Energy, a  
13 California non-profit public benefit  
14 corporation representing California  
consumers and its counsel, Stephan C.  
Volker,

15 Plaintiffs,

16 v.

17 California Public Utilities Commission,  
18 Michael R. Peevey, in his official and  
19 individual capacity, Dian Grueneich, in her  
20 official and individual capacity, John Bohn, in his  
21 official and individual capacity, Timothy Simon, in his  
22 official and individual capacity, and  
23 Geoffrey Brown, in his official and  
individual capacity,

24 Defendants.

Case No. C08-01954-JL

**STIPULATION TO EXTEND TIME  
FOR (1) DEFENDANTS' RESPONSE  
TO THE FIRST AMENDED  
COMPLAINT (2) BRIEFING AND  
HEARING ON THE DEFENDANTS'  
MOTION TO DISMISS, (3) INITIAL  
DISCLOSURES AND DISCOVERY  
PLAN, (4) ADR PROCESS, AND (5)  
CASE MANAGEMENT  
CONFERENCE DEADLINES AND  
[REPROSED] ORDER THEREON**

**JUDGE: HON. JAMES J. LARSON**

26 Plaintiffs CALifornians for Renewable Energy, and Stephan C. Volker, and  
27  
28 defendants California Public Utilities Commission, Michael R. Peevey, Dian

1 Grueneich, John Bohn, Rachelle Chong and Timothy Simon (collectively,  
2 “defendants”) hereby stipulate to the following:

3 1. It is stipulated that the briefing schedule for the filing the Defendants’  
4 Motion to Dismiss to the First Amended Complaint:

5 August 13, 2008 - Defendants’ Motion to Dismiss First Amended

6 Complaint

7 September 8, 2008 - Plaintiffs to file Opposition to Defendants’ Motion

8 September 24, 2008 – Defendants to file Reply to CARE Opposition

9 October 8, 2008 - 9:30 a.m. hearing before the Hon. James Larson

10 on the Defendants’ Motion to Dismiss

11 2. It is further stipulated that defendants’ counsel, Darwin Farrar, has accepted  
12 service of the First Amended Complaint on behalf of the CPUC and all named  
13 individual Commissioners, except for former Commissioner Geoffrey Brown. The  
14 defendants do not waive their rights to challenge the Court’s jurisdiction or any  
15 sovereign immunity rights the defendants may have under the U.S. Constitution  
16 and/or federal statutes.

17 4. It is further stipulated that the deadline for the parties to meet and confer  
18 regarding initial disclosures, early settlement, Alternative Dispute Resolution  
19 (“ADR”) process selection and discovery plan, and to file the parties’ Joint ADR  
20 Certification with stipulation to ADR process or notice of need for ADR phone  
21 conference, shall be extended from August 27, 2008 to November 19, 2008, in order

1 to accommodate the extended hearing and briefing schedule on defendants' motion to  
2 dismiss the First Amended Complaint.

3         5. It is further stipulated that the deadline for the parties to file their Rule 26(f)  
4 Report, complete initial disclosures or state objections to the Rule 26(f) Report and to  
5 file their Case Management Statements per Standing Order re Contents of Joint Case  
6 Management Statement, shall be continued from September 25, 2008 to December 4,  
7 2008 likewise to accommodate the parties' agreement to extend the time for briefing  
8 and hearing on the CPUC's motion to dismiss.  
9

10         6. It is further stipulated that the Initial Case Management Conference shall  
11 be continued from October 1, 2008 to December 10, 2008, likewise to accommodate  
12 the parties' agreement to extend the deadlines for briefing and hearing of the CPUC's  
13 motion to dismiss.  
14

15         7. Further, it is stipulated and agreed that the August 13, 2006 hearing on the  
16 pending motion to dismiss, previously filed by the defendant CPUC, should be taken  
17 off calendar.  
18

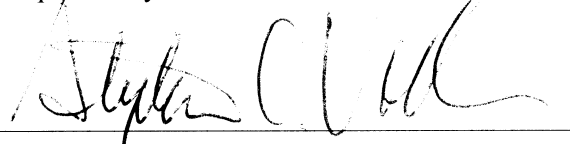
19         Pursuant to section X of Northern District of California General Order 45,  
20 undersigned counsel for plaintiffs attests that the concurrence in the filing of this  
21 document was obtained from Mr. Darwin E. Farrar, counsel for defendants, on July  
22 21, 2008.  
23

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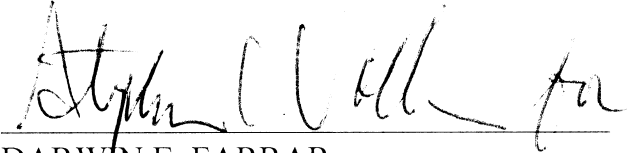
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2 DATED: July 21, 2008

Respectfully submitted,

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4 

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11 

12 DARWIN E. FARRAR  
13 LIONEL B. WILSON  
14 HELEN W. YEE  
15 California Public Utilities Commission  
16 505 Van Ness Avenue  
17 San Francisco, CA 94102  
18 Counsel for Defendants

19 ~~PROPOSED~~ ORDER

20 IT IS SO ORDERED.

21 The hearing for the Motion to Dismiss has been continued to October 8, 2008 and the Case  
22 Management Conference has been continued to December 10, 2008 at 10:30 a.m.

23 DATED: 7/22, 2008

24   
25 JAMES L. LARSON  
26 U.S. MAGISTRATE JUDGE  
27  
28